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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,985	11/05/2001	Newton B. White JR.	GREN.P-001-2	4151
21121	7590	06/15/2005	EXAMINER	
OPPEDAHL AND LARSON LLP			SON, LINH L D	
P O BOX 5068			ART UNIT	
DILLON, CO 80435-5068			PAPER NUMBER	

2135

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/682,985

Applicant(s)

WHITE, NEWTON B.

Examiner

Linh LD Son

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/05, 11/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben Laurie, Configuration file for Apache-SSL

(<http://www.mit.edu/afs/net/dev/project/apache/dists/tmp/SSLconf/conf/httpd.conf>),

hereinafter "LAURIE", in view of AOL Server, Server configuring

(<http://Laurieserver.am.net/docs/2.1/admin.htm>), hereinafter "AOL", and further in view

of Apache,

([http://64.233.161.104/search?q=cache:M2nT6s5oZQ0J:www.mit.edu/afs/sipb/project/www/apache/apache\\_1.1b0/src/mod\\_proxy.c/etc/services+443+daterange:2449718-](http://64.233.161.104/search?q=cache:M2nT6s5oZQ0J:www.mit.edu/afs/sipb/project/www/apache/apache_1.1b0/src/mod_proxy.c/etc/services+443+daterange:2449718-2450449&hl=en&start=1)

[2450449&hl=en&start=1](http://64.233.161.104/search?q=cache:M2nT6s5oZQ0J:www.mit.edu/afs/sipb/project/www/apache/apache_1.1b0/src/mod_proxy.c/etc/services+443+daterange:2449718-2450449&hl=en&start=1)).

1. As per claims 1-3 and 10-11, LAURIE discloses "A method for securely communicating with a server program using a secure hypertext transfer protocol which by default uses a first port number (https or SSL, Port 443) associated therewith, said method practiced in connection with a hypertext transfer protocol which defaults to the

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use of a second port number associated therewith" on (Page 1, 4<sup>th</sup> # bullet), "said method comprising: (a) configuring the server program so that it listens for requests for secure hypertext transfer protocol sessions on the second port number rather than the first port number" on (Page 1, 4<sup>th</sup> # bullet); (b) "receiving at the server program on the second port number a first data packet in a manner that is consistent with the secure hypertext transfer protocol, except that the request is received on the second port number rather than the first port number" on (Page 1, 4<sup>th</sup> # bullet); (c) "outputting from the server program a response to the first data packet in a manner that is consistent with the secure hypertext transfer protocol, except that the request was received on the second port number rather than the first port number" on (Page 1, 4<sup>th</sup> # bullet). Further, LAURIE discloses a method of modify the default HTTPS or SSL port 443 to another port 8887. However, LAURIE is silent on the second port as the http port or port 80. Nevertheless, AOL teaches a method to modify the port of http port from the well-known HTTP port 80 to 9876 (Chapter 3 setup server, Page 1, 2<sup>nd</sup> paragraph). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to realize that LAURIE and AOL's teaching provide strong evidence that https's and http's ports are also operate-able at different ports or any port that is available. However, neither LAURIE nor AOL discloses a method of modifying the https port (443) to listen on a second port http port (80). Nevertheless, Apache does discloses a method of configuring the /etc/services file to configure the port for each service, such as http and https (Page 2 /etc/service). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to

incorporate LAURIE and AOL's teaching with Apache to modify the /etc/services file so that http port will be listen at different port such as 9876 and https can be listen at port 80 (second port) instead of 443. The modification of http port to 9876 will free up the default port 80 and allow https to bind the free port (80). The modification of https service to listen on port 80 provides great flexibility to provide https service in a tight security network, where limited port is opened.

2. As per claim 4, LAURIE discloses "The method of claim 1". However, LAURIE is silent on "the first data packet is received by the server program on the second port, it passes through a system that is configured in a manner that would block the first data packet if the first data packet were addressed to the first port". Nevertheless, LAURIE does teach a process of modifying port so that the default service can only work on the set port (Page 1, 4<sup>th</sup> # bullet). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to realize that the first port is no longer in service after modification.

3. As per claims 5-9, LAURIE, AOL, and Apache discloses "The method of claim 1". However, LAURIE, AOL, and Apache is silent on "the following additional step: after step (a), directing a client program to request information from the server program using a resource locator comprising an indication to use the secure hypertext transfer protocol and an indication to use the second port number". Nevertheless, AOL does disclose a method of specifying a port number after the resource locator (Chapter 5, Using an

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SSL-secured server section). Therefore, with the incorporation of claim 1 rejection basis, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify AOL invention to replace the default port shown to another port to provide access to the server.

### ***Response to Arguments***

4. Applicant's arguments, see Amendment, filed 01/11/05, with respect to the rejection(s) of claim(s) 1-10 under 35 USC 103(a) as being unpatentable over Kalajan (US/6304908) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of LAURIE.

### **Conclusion**

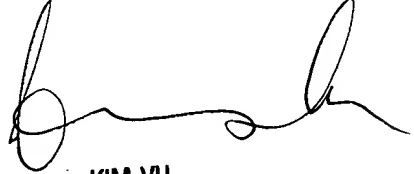
5. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (571)-272-3856.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (571)-272-3859. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2100.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pzr-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Linh LD Son**

**Patent Examiner**



**KIM VU**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**